

This paper is submitted responsive to the Official Action mailed July 25, 2005. Reconsideration of the application in light of the accompanying remarks and amendments is respectfully requested.

In the aforesaid action, the Examiner has entered a final rejection of claims 1-25, all claims in the application, as obvious under 35 USC 103 based upon a combination of US Patent 6,397,186 to Bush et al. (hereafter Bush '186) in view of US Patent 6,584,439 to Geilhufe et al. (hereafter Geilhufe '439). Reconsideration of this rejection is respectfully requested.

The present invention is drawn to a control system for HVAC equipment which allows for voice activated control while overcoming the problems associated with the noise made by the appliance. As set forth in the specification, typical air conditioners make in excess of 60 db A when operating, and this noise can greatly interfere with successful sound communication which is the goal of the present application. This problem is solved in the present invention which provides a speech command receiving member at a location remote from the appliance, out of the zone of noise which interferes with proper operation.

Present independent claims 1 and 15 are drawn to a system and a module itself drawn to the above subject matter. In addition, dependent claims 24 and 25 include specifically that the module is positioned outside of a noise zone with respect to the HVAC component. It is respectfully submitted that independent claims 1 and 15, as well as dependent claims 2-14 and 16-25, are patentable over the art of record.

Turning to the rejection, the Examiner relies upon Bush et al for teaching the control of appliances using an intermediate control module which is voice controlled and sends commands to various devices. The Examiner acknowledges that Bush et al. make no reference to such a control system for an HVAC device, but rather relies upon Geilhufe et al. for such teaching.

Geilhufe et al. teaches a system for controlling voice controlled devices and mentions controlling air conditioners. The teaching of Geilhufe et al. is clearly drawn to air conditioners with built in voice control. This is clear from a consideration of Figure 2 wherein unit 102I is said to represent "white goods" such as freezers, refrigerators, washers, dryers, air conditioners, heating units, microwave ovens, ovens, and stoves. Figure 2 shows the elements of such a device as a single unit, i.e., with built in voice control capability. The Examiner in making the asserted combination of art selects only the air conditioning teaching of Geilhufe et al. without the actual taught structure, and in fact removes or ignores the built in voice control capability of Geilhufe et al. as taught in Figure 2.

As to claims 24 and 25, the Examiner states that these claims would require further searching and consideration, and then rejects them stating that the positioning would be obvious.

It is noted that the last response was to a non-final rejection. Under such circumstances, the fact that newly added claims might require additional searching or consideration is not a ground for rejecting claims, or for giving them anything less than full consideration.

Further, the assertion that the subject matter of these claims, that is, positioning the control module outside of the 60 db A noise zone as set forth in claims 24 and 25, would be obvious to a person skilled in the art is completely unsupported by any of the art of record. The only teaching as to this point is the teaching from Geilhufe wherein the speech command receiver is incorporated into the device itself, and is therefore well within the noise zone of the appliance. No teaching or suggestion from the art of record would lead a person skilled in the art to recognize the issue of the noise of the HVAC appliance being controlled and interference by this noise with proper recognition of a speech command. In fact, the teaching of Geilhufe actually teaches away from the subject matter of claims 24 and 25.

Reconsideration of the rejection and favorable treatment of the pending claims is therefore respectfully requested.

It is submitted that the claims as set forth herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

Please charge fee not separately addressed, as well as any fee deficiency, to deposit account no. 02-0184.

Respectfully submitted,
Tomas Diez et al.

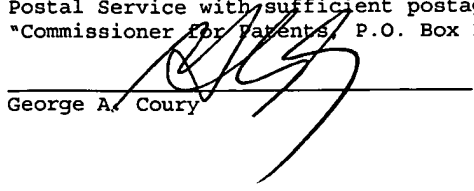
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George A. Coury